

CPA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 OCT -3 AM 10:42

UNITED STATES OF AMERICA,

Plaintiff,

v.

Felix MOJICA-Peralta,

Defendant

Magistrate Docket No.

'07 MJ 2369 LP


COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States


The undersigned complainant, being duly sworn, states:

On or about **October 2, 2007** within the Southern District of California, defendant, **Felix MOJICA-Peralta**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd DAY OF October, 2007**


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Felix MOJICA-Peralta****PROBABLE CAUSE STATEMENT**

On October 2, 2007, Border Patrol Agent K. Quillin was assigned to line watch duties in the Campo, California area of operations. Agent Quillin was working on Rattlesnake Ridge south of Old Highway 80. This area is located approximately two miles north of the United States/Mexico International Border. This area is commonly utilized by undocumented aliens in furtherance of their illegal entry into the United States. At approximately 8:00 a.m., Agent Quillin responded to an activation of a seismic intrusion device. Upon arriving to the area Agent Quillin found fresh footprints for a group of individuals and began to follow the footprints until he encountered six individuals attempting to conceal themselves in the surrounding brush. One of these individuals was later identified as the defendant Felix MOJICA-Peralta.

Agent Quillin identified himself as a United States Border Patrol Agent and questioned all individuals including the defendant as to their citizenship and nationality. All individuals including the defendant, freely admitted to being citizens and nationals of Mexico without proper documents to allow them to enter or remain in the United States legally. All individuals including the defendant were arrested and transported to the Campo Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on September 28, 2007 through Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated that he understood and was willing to answer questions without having an attorney present. The defendant again admitted to being a citizen and national of Mexico previously ordered removed without permission to legally re-enter the United States.